

	MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES CHILD AND ADULT CARE FOOD PROGRAM EMERGENCY/HOMELESS SHELTERS POLICY & PROCEDURE MANUAL	ISSUED 6/1/02	REVISED 4/09	CHAPTER 12	SECTION 12.1
CHAPTER Chapter 12. Complaint and Appeal Procedures		SUBJECT Actions Which Can Be Appealed			

During the course of the contract with a shelter, the Bureau of Community Food and Nutrition Assistance (BCFNA) may make determinations with which the shelter may not agree. For actions impacting the shelter, BCFNA will advise the shelter of the grounds on which the BCFNA action is based. The notice of required action shall be sent certified mail to the shelter's executive director and chairman of the board of directors and the responsible principals/individuals. Also included will be a statement that the shelter has the right to appeal the action.

A shelter or sponsoring organization (SO) may appeal decisions made by BCFNA. Actions that may be appealed are those that affect the participation of a shelter in the Program or the shelter's claim for reimbursement. Actions that may be appealed include, but are not limited to:

- Denial of a shelter's application for participation;
- Denial of an application submitted by a sponsoring organization on behalf of a shelter;
- Notice of proposed termination of the participation of a shelter;
- Suspension of a shelter's contract;
- Demand for the remittance of an overpayment;
- Denial of all or part of a claim for reimbursement;
- Denial by the Missouri Department of Health and Senior Services to forward to the USDA Food and Nutrition Service (FNS) an exception request by the shelter or SO for payment of a late claim or a request for an upward adjustment to a claim, or demand for remittance of an overclaim;
- Any other action of the state agency affecting an institution's participation or its claim for reimbursement.

Actions not subject to appeal include:

- A decision by FNS to deny an exception request by a shelter for payment of a late claim or for an upward adjustment to a claim;
- A determination that a shelter is seriously deficient;
- Disqualification and placement on the National Disqualified List (NDL); and
- Termination of a participating shelter's contract based on the disqualification of the shelter by another State Agency or FNS.

Reference: CFR226.6(k)(2) and (3)